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WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

MARCH 2009

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of March 2009 and to date for the term that began on September 1, 2008.

Opinions Issued by the Court

The Supreme Court issued six opinions in March. Information about these opinions, including the Court's dispositions and the names of the authoring justices, can be found on the attached table.

	<u>March 2009</u>	<u>Term to Date</u>
Total number of cases resolved by opinion	<u>6</u>	<u>27</u>
Attorney disciplinary cases	3	11
Judicial disciplinary cases	0	0
Civil cases	2	11
Criminal cases	1	5

Petitions for Review

A total of 69 petitions for review were filed during the month. A petition for review asks the Supreme Court to review the decision of the Court of Appeals. The Supreme Court's jurisdiction is discretionary, meaning that review is granted in selected cases only. In March, the Supreme Court disposed of 67 petitions for review, of which 3 petitions were granted. The Supreme Court currently has 202 petitions for review pending.

	<u>March 2009</u>	<u>Term to Date</u>
Petitions for Review filed	<u>69</u>	<u>434</u>
Civil cases	34	213
Criminal cases	35	221

Petition for Review dispositions	<u>67</u>	<u>428</u>
Civil cases (petitions granted).....	27 (2)	225 (22)
Criminal cases (petitions granted)	40 (1)	203 (12)

Petitions for Bypass

The Supreme Court received no petitions for bypass and disposed of no petitions for bypass in March. In a petition for bypass, a party requests that the Supreme Court take jurisdiction of an appeal or other proceeding pending in the Court of Appeals. A matter appropriate for bypass is usually one which meets one or more of the criteria for review by the Supreme Court and one the Supreme Court concludes it will ultimately choose to consider regardless of how the Court of Appeals might decide the issues. A petition for bypass may also be granted where there is a clear need to hasten the ultimate appellate decision. The Supreme Court currently has no petitions for bypass pending.

	<u>March 2009</u>	<u>Term to Date</u>
Petitions for Bypass filed	<u>0</u>	<u>3</u>
Civil cases	0	3
Criminal cases	0	0
Petition for Bypass dispositions.....	<u>0</u>	<u>9</u>
Civil cases (petitions granted).....	0 (0)	7 (0)
Criminal cases (petitions granted)	0 (0)	2 (0)

Requests for Certification

During March 2009, the Supreme Court received no requests for certification and disposed of no requests for certification. In a request for certification, the Court of Appeals asks the Supreme Court to exercise its appellate jurisdiction before the Court of Appeals hears the matter. A request for certification is decided on the basis of the same criteria as a petition to bypass. The Supreme Court currently has 1 request for certification pending.

	<u>March 2009</u>	<u>Term to Date</u>
Requests for Certification filed	<u>0</u>	<u>5</u>
Civil cases	0	4
Criminal cases	0	1
Request for Certification dispositions.....	<u>0</u>	<u>6</u>
Civil cases (requests granted)	0 (0)	4 (3)
Criminal cases (requests granted)	0 (0)	2 (2)

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of 4 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed. The Supreme Court also received 7 petitions for supervisory writ, which ask the Supreme Court to order the Court of Appeals or a circuit court to take a certain action in a case. No original actions were filed. An original action is a petition asking the Supreme Court to take jurisdiction over a particular matter. When an opinion is issued in these cases, the disposition is included in "Opinions Issued by the Court" above; otherwise, the case is disposed of by order and is included in the totals below. The Supreme Court currently has 38 regulatory matters and 7 petitions for supervisory writ pending.

	<u>March 2009</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney discipline.....	4	28
Judicial discipline.....	0	1
Bar admission.....	0	1
Petitions for Supervisory Writ	7	36
Other (including Original Actions).....	0	5
<u>Dispositions by Order</u>		
Attorney discipline.....	0	13
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ	3	30
Other (including Original Actions).....	0	8

**DECISIONS BY THE
WISCONSIN SUPREME COURT**

OPINIONS ISSUED DURING MARCH 2009

ATTORNEY DISCIPLINE CASES

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
1992AP003208-D	Board of Attorneys Professional Responsibility n/k/a Office of Lawyer Regulation (OLR) v. David V. Jennings Reinstatement Denied. Per Curiam ¹	03/24/2009
2007AP002086-D	OLR v. Jeffrey R. Kohler Public Reprimand Per Curiam Gableman, J., did not participate.	03/24/2009
2008AP000559-D	OLR v. Arik J. Guenther 9 Month Suspension Per Curiam	03/24/2009

CIVIL AND CRIMINAL CASES

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
2007AP001849-CR	State v. Jordan L. Gajewski Petition for Review dismissed. Per Curiam	03/03/2009
2007AP000983	Heritage Farms, Inc. v. Markel Insurance Company Court of Appeals decision reversed. <u>Majority Opinion</u> : Ziegler, J. <u>Dissent</u> : Roggensack, J., joined by Gableman, J.	03/26/2009

¹ “Per Curiam” means “by the Court.” Opinions issued *per curiam* are handed down by the Court as a whole.

2007AP000191

Apple Valley Gardens Assoc., Inc. v. Gloria
MacHutta

03/27/2009

Court of Appeals decision affirmed.

Majority Opinion: Gableman, J.

Dissent: Prosser, J.